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FILED IN THE U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

NOV 14 2023

SEAN F. MCAVOY, CLERK  
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YAKIMA, WASHINGTON

9 UNITED STATES DISTRICT COURT  
10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,  
12  
13 Plaintiff,

Case No.: 1:22-CR-2096-MKD

Plea Agreement

14 v.

15 CHRISTOPHER LEE OSBORN,  
16  
17 Defendant.

18  
19 Plaintiff United States of America, by and through Vanessa R. Waldref,  
20 United States Attorney the Eastern District of Washington, and Michael D.  
21 Murphy, Assistant United States Attorney for the Eastern District of Washington,  
22 and the State of Washington by and through Joseph Brusic, Yakima County  
23 Prosecuting Attorney, and Julia Davis, Deputy Prosecutor for Yakima County, and  
24 Defendant Christopher Lee Osborn ("Defendant"), both individually and by and  
25 through Defendant's counsel, Paul Shelton and Nicholas Mirr, agree to the  
26 following Plea Agreement.  
27  
28

1 Introduction

2 Defendant is presently charged in the Eastern District of Washington by  
3 Indictment, filed on September 13, 2022, with Distribution of Child Pornography,  
4 in violation of 18 U.S.C. § 2252A(a)(2), (b)(1).

5 Defendant is also charged by the State of Washington, in and for the County  
6 of Yakima. Defendant is charged by Information in case number 21-1-01864-39 in  
7 the Superior Court of Washington for Yakima County with nine counts of First  
8 Degree Possession of Depictions of Minor Engaged in Sexually Explicit Conduct  
9 in violation of RCW 9.68A.070(1) and one count of First Degree Dealing in  
10 Depictions of Minor Engaged in Sexually Explicit Conduct in violation of RCW  
11 9.68A.050(1). Defendant is charged by Information in case number 20-1-01473-29  
12 in the Superior Court of Washington for Yakima County with four counts of First  
13 Degree Possession of Depictions of Minor Engaged in Sexually Explicit Conduct  
14 in violation of RCW 9.68A.070(1).

15 Defendant wishes to resolve all these pending federal and state charges as  
16 part of a single, global resolution. The United States Attorney's Office for the  
17 Eastern District of Washington and the Yakima County, Washington, Prosecuting  
18 Attorney's Office agree to such a resolution, as set forth herein, and contingent  
19 upon Defendant's guilty plea in all three cases.

20 1. Guilty Plea and Maximum Statutory Penalties

21 Defendant agrees to enter a plea of guilty to the Indictment filed on  
22 September 13, 2022, which charges Defendant with Distribution of Child  
23 Pornography, in violation of 18 U.S.C. § 2252A(a)(2), (b)(1), a Class C felony.

24 Defendant understands that the following potential penalties apply:

- 25 a. a term of imprisonment of not less than 5 years and no more  
26 than 20 years;  
27 b. a term of supervised release of not less than 5 years and up to a  
28 lifetime;

- c. a fine of up to \$250,000;
- d. restitution;
- e. mandatory registration as a sex offender;
- f. a mandatory special assessment of \$5,000 pursuant to the Justice for Victims of Trafficking Act ("JVTA") of 2015, absent a judicial finding of indigence;
- g. a mandatory special assessment of no more than \$35,000 pursuant to the Amy, Vicky and Andy Child Pornography Victim Assistance Act of 2018; and
- h. a \$100 special penalty assessment.

2. Supervised Release

Defendant understands that if Defendant violates any condition of Defendant's supervised release, the Court may revoke Defendant's term of supervised release, and require Defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on postrelease supervision, up to the following terms:

- a. 5 years in prison if the offense that resulted in the term of Supervised Release is a class A felony,
- b. 3 years in prison if the offense that resulted in the term of Supervised Release is a class B felony, and/or
- c. 2 years in prison if the offense that resulted in the term of Supervised Release is a class C felony.

Accordingly, Defendant understands that if Defendant commits one or more violations of supervised release, Defendant could serve a total term of incarceration greater than the maximum sentence authorized by statute for Defendant's offense or offenses of conviction.

1           3.     The Court is Not a Party to this Plea Agreement

2           The Court is not a party to this Plea Agreement and may accept or reject it.  
3 Defendant acknowledges that no promises of any type have been made to  
4 Defendant with respect to the sentence the Court will impose in this matter.

5           Defendant understands the following:

- 6           a.     sentencing is a matter solely within the discretion of the Court;  
7           b.     the Court is under no obligation to accept any recommendations  
8                 made by the United States or Defendant;  
9           c.     the Court will obtain an independent report and sentencing  
10                recommendation from the United States Probation Office;  
11           d.     the Court may exercise its discretion to impose any sentence it  
12                deems appropriate, up to the statutory maximum penalties;  
13           e.     the Court is required to consider the applicable range set forth  
14                in the United States Sentencing Guidelines, but may depart  
15                upward or downward under certain circumstances; and  
16           f.     the Court may reject recommendations made by the United  
17                States or Defendant, and that will not be a basis for Defendant  
18                to withdraw from this Plea Agreement or Defendant's guilty  
19                plea.

20          4.     Rule 11 Nature of the Plea Agreement

21 Defendant acknowledges that this Plea Agreement is entered pursuant to Federal  
22 Rule of Criminal Procedure 11(c)(1)(C) ("Rule 11(c)(1)(C)"). Pursuant to Rule  
23 11(c)(1)(C), the United States and Defendant agree that the appropriate disposition  
24 of the case is a period of no less than 60 months (5 years) and no more than 96  
25 months (8 years) in custody, to be followed by no less than 5 years of Supervised  
26 Release. The United States and Defendant agree to make those sentencing  
27 recommendations to the Court. Although the United States and Defendant agree to  
28 make these recommendations to the Court pursuant to Rule 11(c)(1)(C), Defendant

1 acknowledges that no promises of any type have been made to Defendant with  
2 respect to the sentence the Court will ultimately impose.  
3 Defendant understands that Defendant may withdraw from this Plea Agreement if  
4 the Court imposes a term of imprisonment of greater than 96 months (8 years) or  
5 indicates its intent to do so. Defendant also understands that the United States may  
6 withdraw from this Plea Agreement if the Court imposes a term of imprisonment  
7 of less than 60 months (5 years) or a term of supervised release of less than 5  
8 years, or indicates its intent to do so.

9 The United States and Defendant acknowledge that the imposition of any  
10 fine, restitution, or conditions of Supervised Release are not part of the Rule  
11 11(c)(1)(C) nature of this Plea Agreement; that the United States and Defendant  
12 are free to make any recommendations they deem appropriate as to the imposition  
13 of fines, restitution, or conditions of Supervised Release; and that the Court will  
14 exercise its discretion in this regard. The United States and Defendant  
15 acknowledge that the Court's decisions regarding the imposition of fines,  
16 restitution, or conditions of Supervised Release will not provide bases for  
17 Defendant to withdraw Defendant's guilty plea or withdraw from this Rule  
18 11(c)(1)(C) Plea Agreement.

19 Defendant acknowledges that if either the United States or Defendant  
20 successfully withdraws from this Plea Agreement, the Plea Agreement becomes a  
21 nullity, and the United States is no longer bound by any representations within it.

22 5. Potential Immigration Consequences of Guilty Plea

23 If Defendant is not a citizen of the United States, Defendant understands the  
24 following:

- 25 a. pleading guilty in this case may have immigration  
26 consequences;



- b. a broad range of federal crimes may result in Defendant's removal from the United States, including the offense to which Defendant is pleading guilty;
- c. removal from the United States and other immigration consequences are the subject of separate proceedings; and
- d. no one, including Defendant's attorney or the Court, can predict with absolute certainty the effect of a federal conviction on Defendant's immigration status.

Defendant affirms that Defendant is knowingly, intelligently, and voluntarily pleading guilty as set forth in this Plea Agreement, regardless of any immigration consequences that Defendant's guilty plea may entail.

6. Waiver of Constitutional Rights

Defendant understands that by entering this guilty plea, Defendant is knowingly and voluntarily waiving certain constitutional rights, including the following:

- a. the right to a jury trial;
- b. the right to see, hear and question the witnesses;
- c. the right to remain silent at trial;
- d. the right to testify at trial; and
- e. the right to compel witnesses to testify.

While Defendant is waiving certain constitutional rights, Defendant understands that Defendant retains the right to be assisted by an attorney through the sentencing proceedings in this case and any direct appeal of Defendant's conviction and sentence, and that an attorney will be appointed at no cost if Defendant cannot afford to hire an attorney.

Defendant understands and agrees that any defense motions currently pending before the Court are mooted by this Plea Agreement, and Defendant expressly waives Defendant's right to bring any additional pretrial motions.

1           7.    Elements of the Offense

2           The United States and Defendant agree that in order to convict Defendant of  
3 Distribution of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(2), (b)(1),  
4 the United States would have to prove the following beyond a reasonable doubt.

- 5           a.    *First*, between on or about April 14, 2021, within the Eastern  
6 District of Washington, Defendant knowingly distributed a  
7 visual depiction of sexually explicit conduct;  
8           b.    *Second*, the production of the visual depiction involved the use  
9 of a minor; a computer image that was that of a minor, or  
10 indistinguishable from that of a minor, or a computer image that  
11 was created, adapted or modified to appear that of an  
12 identifiable minor;  
13           c.    *Third*, the image was shipped, transported, or mailed in  
14 interstate and foreign commerce by any means including a  
15 computer; and  
16           d.    *Fourth*, defendant knew that the image contained child  
17 pornography as defined in element 2.

18           8.    Factual Basis and Statement of Facts

19           The United States and Defendant stipulate and agree to the following: the  
20 facts set forth below are accurate; the United States could prove these facts beyond  
21 a reasonable doubt at trial; and these facts constitute an adequate factual basis for  
22 Defendant's guilty plea.

23           The United States and Defendant agree that this statement of facts does not  
24 preclude either party from presenting and arguing, for sentencing purposes,  
25 additional facts that are relevant to the Sentencing Guidelines computation or  
26 sentencing, unless otherwise prohibited in this Plea Agreement.

27           On or about April 14, 2021, Defendant, Christopher Lee Osborn, distributed  
28 images of child pornography over the internet. Homeland Security Investigations

1 (“HSI”) agents in Detroit, Michigan, operating in an undercover capacity,  
2 participated in a chat group on the mobile messaging application KIK. An agent  
3 posing as a member of the group received images of child pornography sent by  
4 Defendant on April 14, 2021. The following is the description of three of the  
5 images: 1) A naked female, 12-20 years old, cradling a 6-12 month old naked  
6 female child, the child’s vaginal area is facing up towards the camera, the female is  
7 using her right arm to support the child up and spread the child’s left leg out, the  
8 12-20 year old has her tongue pointed out, approaching the vagina of the child; 2)  
9 A 3-6 month old child with an exposed chest and stomach area, wearing an open  
10 yellow shirt, an adult naked male is sitting in front of the child, straddling in front  
11 of the child, the male’s erect penis is on the stomach and chest of the child, the  
12 child’s left hand is holding on to the erect penis, the head of the penis is on the  
13 mouth of the child, pushing up the child’s upper lip; 3) A video of a naked 2-5 year  
14 old female, sitting with her legs spread open towards the camera, a naked adult  
15 male is sitting in front of the child with his legs spread open with an erect penis,  
16 the male is holding his erect penis and slapping the vagina of the child with the  
17 head of his penis. The video is 10 seconds in length. Defendant, using the name  
18 “demonloverofman” on the KIK application, claimed to be sexually abusing his  
19 daughters, who he named as “Dawn and McKenzie”. On April 16, 2021, HSI  
20 agents executed a search warrant of 903 N. 29th Avenue, Yakima, Washington.  
21 Arthur Osborn, Christopher Osborn, and Christopher’s significant other, Dawn  
22 Snyder were present. Dawn Snyder provided the passcodes for three cell phones  
23 seized pursuant to the warrant and stated that she and Defendant did not use the  
24 KIK app. Review of the electronic devices recovered in the search warrant resulted  
25 in HSI agents locating 48 images or videos of child pornography, including the  
26 images and video sent by “demonloverofman” to the HSI agent in Detroit. In  
27 addition, a different video sent to the HSI agent in Detroit via KIK by  
28 “demonloverofman” showed a man masturbating. On that man’s lower arm, a



1 tattoo of the name "Dawn" is visible in the video. Dawn Snyder verified that she  
2 and Defendant had each other's first name tattooed on their lower arms.

3 9. Admissibility of Facts and Prior Statements

4 By signing this Plea Agreement, Defendant admits the truth of the facts set  
5 forth in the Factual Basis section of this Plea Agreement and agrees that these  
6 facts, along with any written or oral statements Defendant makes in court, shall be  
7 deemed usable and admissible against Defendant in any subsequent legal  
8 proceeding, including criminal trials and/or sentencing hearings, under Federal  
9 Rule of Evidence 801(d)(2)(A).

10 Defendant acknowledges, admits, and agrees that by signing this Plea  
11 Agreement, Defendant is expressly modifying and waiving Defendant's rights  
12 under Federal Rule of Criminal Procedure 11(f) and Federal Rule of Evidence 410  
13 with regard to any facts Defendant admits and/or any statements Defendant makes  
14 in court.

15 10. The United States' Agreements

16 The United States Attorney's Office for the Eastern District of Washington  
17 agrees not to bring additional charges against Defendant based on information in  
18 its possession at the time of this Plea Agreement that arise from conduct that is  
19 either charged in the Indictment or identified in discovery produced in this case,  
20 unless Defendant breaches this Plea Agreement before sentencing.

21 The Yakima County Prosecutor's Office agrees that it will offer that the  
22 Defendant plead guilty to four counts of First Degree Possession of Depictions of  
23 Minor Engaged in Sexually Explicit Conduct (2 counts on each case) with an  
24 agreed recommendation of 96 months (offense level 6, offender score 9+,  
25 sentencing range 77-102 months) which would be followed by 36 months of  
26 community custody with sex offender treatment, sex offender registration, and  
27 conditions recommended by the Washington State Department of Corrections in  
28 their Pre-Sentence Investigation, and further agree to have the sentences imposed

1 in Cause 21-1-01864-39 and Cause 20-1-01473-29 filed in the Superior Court of  
2 Washington for Yakima County run concurrently with each other, and with the  
3 sentence in this case, following Defendant's guilty pleas to those charges and upon  
4 sentencing for those charges, unless Defendant breaches this Plea Agreement  
5 before sentencing, fails to plead guilty in those matters or either party is allowed to  
6 withdraw from this plea.

7 11. United States Sentencing Guidelines Calculations

8 Defendant understands and acknowledges that the United States Sentencing  
9 Guidelines ("U.S.S.G." or "Guidelines") apply and that the Court will determine  
10 Defendant's advisory range at the time of sentencing, pursuant to the Guidelines.  
11 The United States and Defendant agree to the following Guidelines calculations.

12 a. Base Offense Level

13 The United States and the Defendant agree that the base offense level for  
14 Distribution of Child Pornography is 22. U.S.S.G. § 2G2.2(a)(2).

15 b. Special Offense Characteristics

16 The United States and Defendant have no agreements regarding Special  
17 Offense Characteristics.

18 c. Acceptance of Responsibility

19 The United States will recommend that Defendant receive a downward  
20 adjustment for acceptance of responsibility, pursuant to U.S.S.G. § 3E1.1(a), (b), if  
21 Defendant does the following:

- 22 i. accepts this Plea Agreement;
- 23 ii. enters a guilty plea at the first Court hearing that takes
- 24 place after the United States offers this Plea Agreement;
- 25 iii. demonstrates recognition and affirmative acceptance of
- 26 Defendant's personal responsibility for Defendant's
- 27 criminal conduct;
- 28

iv. provides complete and accurate information during the sentencing process; and

v. does not commit any obstructive conduct.

The United States and Defendant agree that at its option and on written notice to Defendant, the United States may elect not to recommend a reduction for acceptance of responsibility if, prior to the imposition of sentence, Defendant is charged with, or convicted of, any criminal offense (except the charges pending in Yakima County Superior Court referenced in this Agreement), or if Defendant tests positive for any controlled substance.

d. No Other Agreements

The United States and Defendant have no other agreements regarding the Guidelines or the application of any Guidelines enhancements, departures, or variances. Defendant understands and acknowledges that the United States is free to make any sentencing arguments it sees fit, including arguments arising from Defendant's uncharged conduct, conduct set forth in charges that will be dismissed pursuant to this Agreement, and Defendant's relevant conduct.

e. Criminal History

The United States and Defendant have no agreement and make no representations about Defendant's criminal history category, which will be determined by the Court after the United States Probation Office prepares and discloses a Presentence Investigative Report.

12. Incarceration

The United States and Defendant agree to recommend that the Court impose a sentence of between 60 months and 96 months of incarceration.

13. Supervised Release

The United States and Defendant have no agreement regarding the term of supervised release to be imposed by the Court, apart from recognizing the statutory minimum term is 60 months. Defendant agrees that the Court's decision regarding

1 the conditions of Defendant's Supervised Release is final and non-appealable; that  
2 is, even if Defendant is unhappy with the conditions of Supervised Release ordered  
3 by the Court, that will not be a basis for Defendant to withdraw Defendant's guilty  
4 plea, withdraw from this Plea Agreement, or appeal Defendant's conviction,  
5 sentence, or any term of Supervised Release.

6 The United States and Defendant agree to recommend that in addition to the  
7 standard conditions of supervised release imposed in all cases in this District, the  
8 Court should also impose the following conditions:

- 9 a. The United States Probation Officer may conduct, upon  
10 reasonable suspicion, and with or without notice, a search of  
11 Defendant's person, residences, offices, vehicles, belongings,  
12 and areas under Defendant's exclusive or joint control.
- 13 b. Defendant shall participate and complete such drug testing and  
14 drug treatment programs as the Probation Officer directs.
- 15 c. Defendant shall complete mental health evaluations and  
16 treatment, including taking medications prescribed by the  
17 treatment provider. Defendant shall allow reciprocal release of  
18 information between the Probation Officer and the treatment  
19 provider. Defendant shall contribute to the cost of treatment  
20 according to the Defendant's ability.
- 21 d. Defendant shall report to the Probation Office any and all  
22 electronic communications service accounts, as defined in 18  
23 U.S.C. § 2510(15) used for user communications, dissemination  
24 and/or storage of digital media files (i.e. audio, video, images).  
25 This includes, but is not limited to, email accounts, social media  
26 accounts, and cloud storage accounts. Defendant shall provide  
27 each account identifier and password, and shall report the  
28 creation of new accounts, changes in identifiers and/or

1 passwords, transfer, suspension and/or deletion of any account  
2 within 5 days of such action. Failure to provide accurate  
3 account information may be grounds for revocation. The  
4 Probation Office is permitted to access and search any accounts  
5 using Defendant's credentials pursuant to this condition only  
6 when reasonable suspicion exists that Defendant has violated a  
7 condition of his supervision and that the accounts to be  
8 searched contain evidence of this violation.

9 14. Criminal Fine

10 The United States and Defendant recommend that the Court not impose a  
11 criminal fine. Defendant acknowledges that the Court's decision regarding a fine  
12 is final and non-appealable; that is, even if Defendant is unhappy with a fine  
13 ordered by the Court, that will not be a basis for Defendant to withdraw  
14 Defendant's guilty plea, withdraw from this Plea Agreement, or appeal  
15 Defendant's conviction, sentence, or fine.

16 15. Judicial Forfeiture

17 Defendant, Christopher Lee Osborn, agrees to voluntarily forfeit and  
18 relinquish all right, title and interest in all assets listed herein to the United States,  
19 and hereby agrees to execute any and all forms and pleadings necessary to  
20 effectuate such forfeiture of assets, including, but not limited to the following:

21 - - LG Cell Phone LM K300TM Risio Teal.

22 Defendant stipulates that he is the sole owner of the assets identified in this  
23 Plea Agreement and that no one else has an interest in the assets.

24 Defendant acknowledges that the assets listed above, which Defendant is  
25 agreeing to forfeit, are subject to forfeiture as property used or intended to be used  
26 in any manner or part to commit or to facilitate the commission of the offense to  
27 which Defendant is pleading guilty. The Defendant agrees to take all steps as  
28



1 requested by the United States to pass clear title to the assets to the United States,  
2 and to testify truthfully in any forfeiture proceeding.

3 Defendant agrees to hold all law enforcement agents/officers, and the United  
4 States, its agents, and its employees harmless from any claims whatsoever arising  
5 in connection with the seizure and forfeiture of any asset covered by this  
6 agreement.

7 Defendant waives further notice of any federal, state, or local proceedings  
8 involving the forfeiture of the seized assets the Defendant is agreeing to forfeit in  
9 this Plea Agreement.

10 Defendant further agrees to waive all constitutional, equitable and statutory  
11 challenges in any manner (including direct appeal, habeas corpus, or any other  
12 means) to any forfeiture carried out in accordance with this Plea Agreement on any  
13 grounds, including that the forfeiture constitutes an excessive fine or punishment.  
14 Defendant knowingly and voluntarily waives his right to a jury trial on the  
15 forfeiture of the asset(s). Defendant waives oral pronouncement of forfeiture at the  
16 time of sentencing, and any defects that may pertain to the forfeiture.

17 16. Mandatory Special Penalty Assessment

18 Defendant agrees to pay the \$100 mandatory special penalty  
19 assessment to the Clerk of Court for the Eastern District of Washington, pursuant  
20 to 18 U.S.C. § 3013. Defendant agrees that, pursuant to the JVT A, the Court shall  
21 impose an additional mandatory special assessment of \$5,000, absent a judicial  
22 finding of indigence.

23 Defendant agrees that, pursuant to the AVAA, the Court shall also impose,  
24 in addition to any other criminal penalty, restitution, or special assessment  
25 authorized by law, an additional assessment of up to \$35,000, as set forth in 18  
26 U.S.C. § 2259A. Defendant also understands and agrees that pursuant to 18 U.S.C.  
27 § 2259A(c), in determining the amount of the AVAA assessment, the Court shall  
28 consider the factors set forth in 18 U.S.C. §§ 3553(a), 3572.

1 Neither party may withdraw from the Plea Agreement based on the ultimate  
2 special penalty assessment(s) imposed.

3  
4 17. Restitution

5 The United States and Defendant agree that restitution is required. 18  
6 U.S.C. §§ 2259, 3663, 3663A, 3664. Defendant acknowledges that restitution is  
7 mandatory, without regard to Defendant's economic situation, to identifiable  
8 victims who suffer ongoing injury by virtue of child pornography images  
9 depicting them circulating on the Internet indefinitely, in amounts that comport  
10 with Defendant's relative role in the causal process that underlies the general  
11 losses of the victims. *Paroline v. United States*, 572 U.S. 464 (2014); 18 U.S.C.  
12 § 2259.

13 Pursuant to 18 U.S.C. § 3663(a)(3), in exchange for the United States  
14 dismissing counts and/or agreeing not to bring additional charges, Defendant  
15 voluntarily agrees to pay restitution to all victims of child pornography that  
16 Defendant distributed, received, and/or possessed, as set forth in the discovery in  
17 this case, whether or not Defendant pleads guilty to counts charging that specific  
18 conduct, and whether or not such counts are foregone pursuant to this Plea  
19 Agreement.

20 Defendant understands that for purposes of 18 U.S.C. § 2259, "victim"  
21 means the individual harmed as a result of a commission of the crime, including,  
22 in the case of a victim who is under 18 years of age, the legal guardian of the  
23 victim. The United States and Defendant also hereby stipulate and agree that the  
24 Court shall order full restitution, as appropriate, to any entity, organization,  
25 insurance company, individual, and/or medical provider who provided medical  
26 services and/or funds related to the treatment of any victim.

27 For any victim against whom Defendant's conduct occurred on or after  
28 December 7, 2018, Defendant agrees that such victims shall be entitled to

1 restitution as if the AVAA applied to Defendant's conduct and agrees that the  
2 Court should order restitution in an amount that reflects Defendant's relative  
3 role in the causal process that underlies the victim's losses, but which is no less  
4 than \$3,000 per victim.

5 With respect to restitution, the United States and Defendant agree to the  
6 following:

7 a. Restitution Amount and Interest

8 Pursuant to 18 U.S.C. § 2259, the Court shall order restitution for the full  
9 amount of any victims' losses. The United States and Defendant will submit  
10 restitution information prior to sentencing. The interest on this restitution amount  
11 should be waived. Defendant acknowledges that Defendant may not withdraw  
12 from the Plea Agreement based on the amount of restitution that the Court orders.

13 b. Payments

14 The United States and Defendant agree that if the Court imposes restitution,  
15 the Court will set a restitution payment schedule based on Defendant's financial  
16 circumstances. 18 U.S.C. § 3664(f)(2), (3)(A). Defendant agrees to pay not less  
17 than 10% of Defendant's net monthly income towards any restitution obligation.

18 c. Treasury Offset Program and Collection

19 Defendant understands that the Treasury Offset Program ("TOP") collects  
20 delinquent debts owed to federal agencies. Defendant acknowledges that, if  
21 applicable, the TOP may take part or all of Defendant's federal tax refund, federal  
22 retirement benefits, or other federal benefits and apply these monies to Defendant's  
23 restitution obligations. 26 U.S.C. § 6402(d); 31 U.S.C. § 3720A; 31 U.S.C.  
24 § 3716.

25 Defendant also understands the United States may, notwithstanding the  
26 Court-imposed payment schedule, pursue other avenues to ensure a restitution  
27 obligation is satisfied, including, but not limited to, garnishment of available funds,  
28 wages, or assets. 18 U.S.C. §§ 3572, 3613, and 3664(m).

1 Nothing in this acknowledgment shall be construed to limit Defendant's  
2 ability to assert any specifically identified exemptions as provided by law, except  
3 as set forth in this Plea Agreement.

4 d. Notifications

5 Defendant agrees to notify the Court and the United States of any material  
6 change in Defendant's economic circumstances (e.g., inheritances, monetary gifts,  
7 changed employment, or income increases) that might affect Defendant's ability to  
8 pay restitution. 18 U.S.C. § 3664(k). This obligation ceases when the restitution is  
9 paid-in-full.

10 Defendant agrees to notify the United States of any address change within  
11 30 days of the change. 18 U.S.C. § 3612(b)(F). This obligation ceases when the  
12 restitution is paid-in-full.

13 Defendant acknowledges that the Court's decision regarding restitution is  
14 final and non-appealable; that is, even if Defendant is unhappy with the amount of  
15 restitution ordered by the Court, that will not be a basis for Defendant to withdraw  
16 Defendant's guilty plea, withdraw from this Plea Agreement, or appeal  
17 Defendant's conviction, sentence, or restitution order.

18 18. Payments While Incarcerated

19 If Defendant lacks the financial resources to pay the monetary obligations  
20 imposed by the Court, Defendant agrees to earn money toward these obligations by  
21 participating in the Bureau of Prisons' Inmate Financial Responsibility Program.

22 19. Sex Offender Registration

23 Defendant understands that by pleading guilty, Defendant will be required to  
24 register as a sex offender upon release from prison as a condition of supervised  
25 release, pursuant to 18 U.S.C. § 3583(d).

26 Defendant also understands that independent of Defendant's term of  
27 supervised release, Defendant will be subject to federal and state sex offender  
28

1 registration requirements, and that those requirements may apply throughout  
2 Defendant's lifetime.

3 Defendant agrees that during the duration of Defendant's registration  
4 requirement, Defendant will keep Defendant's registration current with the state  
5 sex offender registration agency or agencies of any state in which Defendant lives  
6 or resides for more than 72 hours.

7 Defendant agrees that during the duration of Defendant's registration  
8 requirement, Defendant will notify and verify with the state sex offender  
9 registration agency or agencies of any state in which Defendant lives or resides for  
10 more than 72 hours, of changes to Defendant's name, place of residence, place of  
11 employment, education, or religious worship, and any other information required  
12 by such agency or agencies.

13 Defendant understands that Defendant will be subject to possible federal and  
14 state penalties for failure to comply with any such requirements. Defendant  
15 understands that under 18 U.S.C. § 4042(c), notice will be provided to certain law  
16 enforcement agencies upon Defendant's release from confinement.

17 As a condition of Supervised Release, Defendant shall initially register with  
18 the state sex offender registration of the state of Defendant's release, and shall also  
19 register with the state sex offender agency in any state where defendant resides, is  
20 employed, works, or is a student, as directed by the Probation Officer.

21 Defendant shall provide proof of registration to the Probation Officer within  
22 72 hours of release.

23 20. Additional Violations of Law Can Void Plea Agreement

24 The United States and Defendant agree that the United States may, at its  
25 option and upon written notice to the Defendant, withdraw from this Plea  
26 Agreement or modify its sentencing recommendation if, prior to the imposition of  
27 sentence, Defendant is charged with or convicted of any criminal offense or tests  
28 positive for any controlled substance.



1           21.   Waiver of Appeal Rights

2           In return for the concessions that the United States has made in this Plea  
3 Agreement, Defendant agrees to waive Defendant's right to appeal Defendant's  
4 conviction and sentence if the Court imposes a term of imprisonment consistent  
5 with the terms of this Rule 11(c)(1)(C) Plea Agreement.

6           If the Court indicates its intent to impose a sentence above the Rule  
7 11(c)(1)(C) terms of this Agreement and Defendant chooses not to withdraw, then  
8 Defendant: (a) may appeal only Defendant's sentence, but not Defendant's  
9 conviction; (b) may appeal Defendant's sentence only if it exceeds the high end of  
10 the Guidelines range determined by the Court; and (c) may appeal only the  
11 substantive reasonableness of Defendant's sentence. Defendant expressly waives  
12 Defendant's right to appeal any fine, term of supervised release, or restitution order  
13 imposed by the Court.

14          Defendant expressly waives the right to file any post-conviction motion  
15 attacking Defendant's conviction and sentence, including a motion pursuant to 28  
16 U.S.C. § 2255, except one based on ineffective assistance of counsel arising from  
17 information not now known by Defendant and which, in the exercise of due  
18 diligence, Defendant could not know by the time the Court imposes sentence.

19          Nothing in this Plea Agreement shall preclude the United States from  
20 opposing any post-conviction motion for a reduction of sentence or other attack  
21 upon the conviction or sentence, including, but not limited to, writ of habeas  
22 corpus proceedings brought pursuant to 28 U.S.C. § 2255.

23           22.   Withdrawal or Vacatur of Defendant's Plea

24          Should Defendant successfully move to withdraw from this Plea Agreement  
25 or should Defendant's conviction be set aside, vacated, reversed, or dismissed  
26 under any circumstance, then:

27               a.    this Plea Agreement shall become null and void;  
28

- b. the United States may prosecute Defendant on all available charges;
- c. The United States may reinstate any counts that have been dismissed, have been superseded by the filing of another charging instrument, or were not charged because of this Plea Agreement; and
- d. the United States may file any new charges that would otherwise be barred by this Plea Agreement.

The decision to pursue any or all of these options is solely in the discretion of the United States Attorney's Office.

Defendant agrees to waive any objections, motions, and/or defenses Defendant might have to the United States' decisions to seek, reinstate, or reinstate charges if a count of conviction is withdrawn, set aside, vacated, reversed, or dismissed, including any claim that the United States has violated Double Jeopardy.

Defendant agrees not to raise any objections based on the passage of time, including but not limited to, alleged violations of any statutes of limitation or any objections based on the Speedy Trial Act or the Speedy Trial Clause of the Sixth Amendment.

### 23. Integration Clause

The United States and Defendant acknowledge that this document constitutes the entire Plea Agreement between the United States and Defendant, and no other promises, agreements, or conditions exist between the United States and Defendant concerning the resolution of the case.

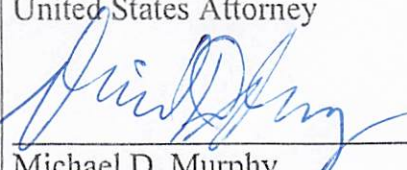
This Plea Agreement is binding only on the United States Attorney's Office for the Eastern District of Washington, and cannot bind other federal, state, or local authorities.

1 signed by the United States, the Yakima County Prosecuting Attorney's Office and  
2 Defendant.

3 Approvals and Signatures

4 Agreed and submitted on behalf of the United States Attorney's Office for  
5 the Eastern District of Washington.

6 Vanessa R. Waldref  
7 United States Attorney

8   
9 \_\_\_\_\_  
10 Michael D. Murphy  
11 Assistant United States Attorney

11/14/23  
\_\_\_\_\_  
Date

12 Agreed and submitted on behalf of the Yakima County Prosecutors Office.

13  
14 Joseph A. Brusic  
15 Yakima County Prosecuting Attorney

16   
17 \_\_\_\_\_  
18 Julia Davis  
19 Yakima County Deputy Prosecutor

10/23/23  
\_\_\_\_\_  
Date

20  
21 I have read this Plea Agreement and I have carefully reviewed and discussed  
22 every part of this Plea Agreement with my attorney. I understand the terms of this  
23 Plea Agreement. I enter into this Plea Agreement knowingly, intelligently, and  
24 voluntarily. I have consulted with my attorney about my rights, I understand those  
25 rights, and I am satisfied with the representation of my attorney in this case. No  
26 other promises or inducements have been made to me, other than those contained  
27

28 PLEA AGREEMENT - 23-21 

1 in this Plea Agreement. No one has threatened or forced me in any way to enter  
2 into this Plea Agreement. I agree to plead guilty because I am guilty.

3  
4  
5 Christopher Lee Osborn  
6 Christopher Lee Osborn  
7 Defendant

11/14/23  
Date

8  
9  
10  
11 I have read the Plea Agreement and have discussed the contents of the  
12 agreement with my client. The Plea Agreement accurately and completely sets  
13 forth the entirety of the agreement between the parties. I concur in my client's  
14 decision to plead guilty as set forth in the Plea Agreement. There is no legal  
15 reason why the Court should not accept Defendant's guilty plea.

16 Paul E. Shelton  
17 Paul E. Shelton  
18 Nick Mirr  
19 Attorneys for Defendant

11/14/23  
Date